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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                | CONFIRMATION NO.       |
|---|-------------|----------------------|------------------------------------|------------------------|
| 10/624,019  | 07/21/2003  | Shinobu Kuriya       | 09812.0358-00000                   | 5079                   |
| 22852   | 7590        | 02/05/2008           |                                    |                        |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER<br>LLP<br>901 NEW YORK AVENUE, NW<br>WASHINGTON, DC 20001-4413 |             |                      | EXAMINER<br>OKORONKWO, CHINWENDU C |                        |
|   |             |                      | ART UNIT<br>2136                   | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>02/05/2008            | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/624,019

Applicant(s)

KURIYA ET AL.

Examiner

Chinwendu C. Okoronkwo

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Pre-Appeal Brief*

1. Applicant's remarks are arguments within the Pre-Appeal Brief of 09/20/2007, pages 1-5, with respect to the rejection of claims 1-27, have been fully considered and are persuasive, therefore, Examiner has reopen prosecution of the instant Application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-27 are rejected under 35 U.S.C. 102(b) as being disclosed by Inoue et al. (U.S. Patent No. 7,103,663 B2).

Regarding claims 1, 10 and 19, Inoue et al., discloses a information processing apparatus for controlling, based on a usage right issued from a license server, the decryption and use of encrypted content corresponding to the usage right, said information processing apparatus comprising: means for transmitting, to said license server, a restoring request including client identifying information for identifying one of said information processing apparatus and a user of the

information processing apparatus, and verification data for the client identifying information (column 5 lines 55-61 "license ticket issuance request is a command for requesting issuance of the license ticket, and usually includes an ID of a content which the user of the terminal wants to reproduce, and his desired usage rule indicating how long or how many times the user wants to use the content"); means for receiving a response to the restoring request from said license server, the response including usage-right identifying information corresponding to the one usage right, the usage right having previously been issued to one of said information processing apparatus and the user (column 5 lines 49-54 – "license ticket, which is issued in response to the license ticket issuance request from the user who purchases the content, is the information including mainly a content key for decrypting the content and a content usage rule for licensing the content for a requested usage duration or usage number in every use of the content within a range of a content usage right purchased by the user); means for transmitting, to said license server, a usage-right request including the usage-right identifying information (column 6 lines 8-10 and 40-46 – "content usage right database roughly stores right information and a content key"); and means for receiving, from said license server, in response to the usage-right request, the usage right (column 6 lines 52-56 – "the license ticket generation unit 117 notifies the parental control information management unit 118 of the terminal ID appended to the license ticket issuance request made by the terminal, and has it search the parental control information database 114 using that terminal ID as a key").

Regarding claims 2, 11, 20 and 25, Inoue et al., discloses a information processing apparatus wherein the response to the restoring request includes content identifying information for identifying the content corresponding to the usage right (column 7 line 65 – column 8 line 6 – “The parental control information management unit 118 reads out the usage restrictions which are present for the user ... terminal 150 among the parental control information in the parental control information database 114 based on the terminal ID of the ... terminal 150 and the right information ID passed by the license ticket generation unit 117, and passes the read-out usage restrictions to the license ticket generation unit”); means for transmitting, to said license server, a usage-right request including the usage-right identifying information (column 8 lines 24-38 – “the content distribution request is a command from the terminals in each home ... to request the content distribution server 130 to distribute a content desired by the user, and includes mainly an ID or an Internet address of the terminal which makes the request and an ID of the requested content”); and means for receiving the content, the content being transmitted from the content server in response to the content request (column 8 lines 34-38 – [Distribution unit] reads out the content requested by the parental terminal 140 and the child terminal 150 from the content database 131, and distributes it to the parental terminal 140 or the child terminal 150 via the communication network 160 such as the Internet”).

Regarding claims 3, 7, 12, 16 and 21, Inoue et al., discloses a information processing apparatus wherein the usage right includes the client identifying information and a signature, and the client identifying information identifies said information processing apparatus or the user, in which the information processing apparatus or the user can use the content corresponding to the usage right (column 6 lines 3-15 – “the user database 111 stores personal information of a user per user” and “the content usage right database 113 roughly stores right information and a content key”).

Regarding claims 4, 8, 13, 17, 22 and 26, Inoue et al., discloses a information processing apparatus according to claim 1, wherein the verification data is obtained by performing hash processing on information including the client identifying information (column 26 lines 4-18 – “hash value is described for checking whether the license ticket is tampered with or not when it is transmitted via the communication network 160 except for a secure communication network like SSL”).

Regarding claims 5, 9, 14, 18, 23 and 17, Inoue et al., discloses a information processing apparatus according to claim 1, wherein: the response to the restoring request includes a transaction ID for identifying a restoring transaction (column 36 lines 48-51 – “request ID”); said information processing apparatus further comprises: means for transmitting, to said license server, a registering

Art Unit: 2136

request including the transaction ID (column 36 line 64 – column 37 line 2); and means for receiving registering information including an encryption key required for decrypting the content, the registering information being transmitted from said license server in response to the registering request; and wherein the usage-right request includes the transaction ID (column 36 line 64 – column 37 line 2).

Regarding claims 6, 15 and 24, Inoue et al., discloses a license server for issuing, to a client, a usage right to permit the use of content, said license server comprising: means for storing usage-right identifying information corresponding to the usage right, the usage right having previously been issued to client; means for receiving a restoring request including client identifying information for identifying the client and verification data for the client identifying information; means for, when the verification data confirms that the restoring request is valid, performing acquisition based on the client identifying information of usage-right identifying information corresponding to the previously issued usage right, and transmitting the acquired usage-right identifying information as a response to the restoring request; means for receiving a usage-right request including the usage-right identifying information; and means for transmitting, in response to the usage-right request, the usage right (column 6 lines 3-51).



**Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chinwendu C. Okoronkwo whose telephone number is (571) 272 2662. The examiner can normally be reached on MWF 2:30 - 6:00, TR 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272 4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



CCO

February 1, 2008

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
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